



## **PLANNING COMMISSION SYNOPSIS**

**Wednesday, January 31, 2007**

**6:30 p.m. Regular Meeting**

**Council Chambers**  
City Hall Wing

200 East Santa Clara Street  
San Jose, California

**Xavier Campos, Chair**  
**James Zito, Vice-Chair**

|                            |                    |
|----------------------------|--------------------|
| <b>Christopher Platten</b> | <b>Bob Dhillon</b> |
| <b>Ash Kalra</b>           |                    |
| <b>Matt Kamkar</b>         | <b>VACANT</b>      |

**Joseph Horwedel, Director**  
**Planning, Building and Code Enforcement**

## NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

## NOTICE TO THE PUBLIC

Good evening, my name is **Xavier Campos** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of ***Wednesday, January 31, 2007***. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers. If you want to address the Commission, **fill out a speaker card (located on the table by the door, on the parking validation table at the back, and at the bottom of the stairs near the AV technician. Deposit the completed card in the basket near the Planning Technician. Please include the agenda item number (not the file number) for reference. Example: 4a, not PD06-023.**

The procedure for this hearing is as follows:

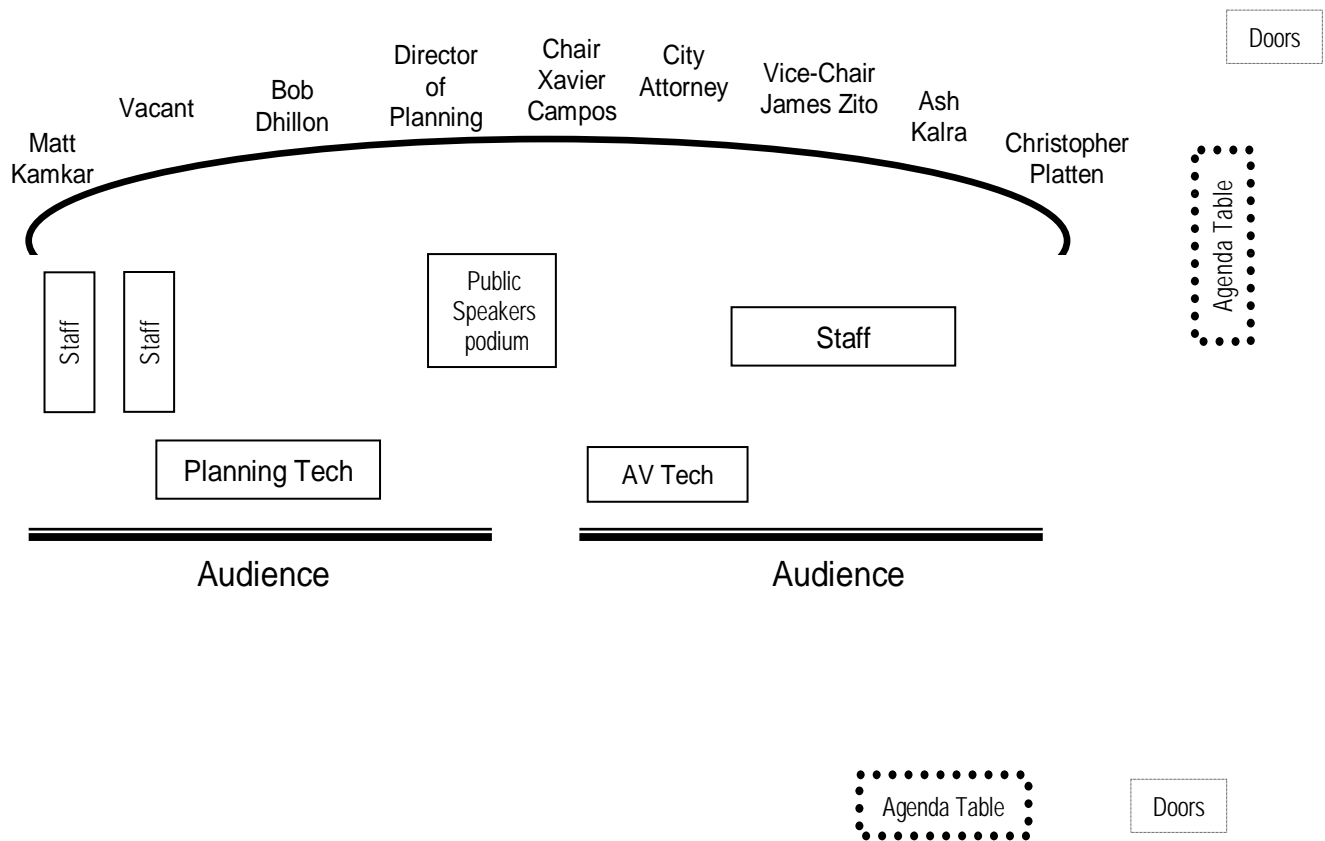
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

**If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.**

**The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items.** Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

**Note:** If you have any agenda questions, please contact Olga Guzman at [olga.guzman@sanjoseca.gov](mailto:olga.guzman@sanjoseca.gov)

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director’s decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday at 6:30 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm> Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today’s meeting. We look forward to seeing you at future meetings.

**AGENDA**  
**ORDER OF BUSINESS**

**1. ROLL CALL**

*All present*

**2. DEFERRALS**

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

**3. CONSENT CALENDAR**

**NOTICE TO THE PUBLIC**

**The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.**

**Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.**

- a. **CP06-068**. Conditional Use Permit to allow the addition of a third pool table to a pizza restaurant with two existing pool tables in the CP Pedestrian Commercial Zoning District, located at/on south side of Story Road, approximately 400 feet westerly of South King Road, front of APN 486-10-088 (1632 STORY RD)(Dennis Fong, Owner). Council District 7. SNI: K.O.N.A. CEQA: Exempt.

**APPROVED (6-0-0)**

*Commissioner Campos expressed concern regarding the floor plan and whether there would be sufficient room for an additional pool table and commented the doorway could be blocked, and that pool tables are supposed to be ancillary to restaurant and on inspection, the pool players did not appear to be eating. Commissioner Campos expressed concern that there weren't appropriate conditions included in the permit. The item was pulled from consent calendar by Commissioner Zito.*

*Counsel asked staff if concern was that adding pool table to make 3 tables could result in pool hall use instead of restaurant use with ancillary pool entertainment. Staff clarified 3 tables needs a CUP, and that any more tables would require a further permit.*

*The applicant explained nature of type of pool table to be installed and stated that some patrons eat a meal and then play afterwards to keep table clean, and expressed she wants to*

*provide a place for older patrons to spend evening.*

*In response to Commissioner Platten, applicant clarified same-size game table as pool table, but only uses 3 balls, not sixteen. Staff clarified that table meets same entertainment criteria as pool table. In response to Commissioner Kamkar, applicant stated couldn't make rent with just pool and not restaurant, and third table will keep patrons after dinner later in evening to purchase additional beverages.*

*In response to Commissioner Kalra, staff confirmed that increase from 1 to 2 tables would not have needed a CUP, and that 2 to 3 tables trips the requirement.*

*Commissioner Zito moved approval, and commented that it seems a good business and that modest increase in entertainment good to enhance profits.*

*Commissioner Campos commented staff report could have been clearer on nature of third game table use.*

**The following items are considered individually.**

#### **4. PUBLIC HEARINGS**

- a. **PDC06-071**. Planned Development Rezoning from LI-Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 40 single-family detached residences on a 2.67 gross acre site, located on the southwesterly side of Campbell Av 950 ft northwesterly of Newhall St (1179 CAMPBELL AV) (Cobalt Associates, Owner). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration. Deferred from 12-6-06.

#### **RECOMMENDED APPROVAL (6-0-0)**

*Staff clarified that applicant revised plans to address all staff concerns. Commissioner Zito asked applicant to respond to community concerns raised in letter from John Urban. Andre Hunt, the applicant, explained site utilities are shallow in the street and will need to pad site up, particularly in southwest corner. Mr. Hunt explained need to raise project out of the flood plain. He explained that the Pulte project is closer to true grade because sewer drainage utilities are deeper at that location.*

*Mr. Hunt also confirmed that heavy landscaping would be planted, CC&Rs would require resident parking in garage first, that the first floor near Sherwood Avenue homes will be set back at least 20 feet, and that those closest homes will be only 2 stories.*

*Joann Curim, a homeowner on Brian Court, supported the project and stated developer had worked with neighbors and made changes, but development in future should reflect that Campbell Avenue is long 2-lane dead end street.*

*John Urban, president of Newhall Neighborhood Association stated the Association is in support of proposal and thanked staff for support of residents' concerns, particularly on parking and setbacks, and thanked the developer for response on specific issues.*

*Ms. Dutobar stated she strongly supported project as 1) strong quality, 2) developer has worked well with neighborhood and 3) medium density project, not high, although expressed concern no overall area plan in progress so shouldn't have additional high density, and thanked developer for lowering density to be consistent with that in area.*

*Mr. Hunt restated his willingness to work with neighborhood as development goes forward. Commissioner Dhillon moved approval and expressed concern about densification of area, but stated good project.*

*Commissioner Zito commended the applicant and staff for revisions to project and stated would be good for community. Commissioner Kalra stated this was the best outcome for 60-day deferral and commended staff, the applicant and the community for their good efforts.*

- b. [PD05-066](#). APPEAL of the Planning Director's decision to approve a Planned Development Permit to construct 238 residential units and associated structured parking (Building 8B) at Santana Row on a 4.095 gross acre site, in the A(PD) Planned Development Zoning District, located on the southwest corner of Olin Avenue and Hatton Street (388 SANTANA ROW) (FRIT SAN JOSE TOWN & COUNTRY VILLAGE LLC, Owner/Developer). Council District 6. SNI: None. CEQA: Final Town and Country Village EIR, EIR Resolution No. 68210.

**UPHELD DIRECTOR'S DECISION TO APPROVE (6-0-0)**

*The applicant presented concerns about ongoing relationship between Villas residents and Santana Row. The applicant, Randy Paul, explained areas that zoning allowed extra height and highlighted future development on Lot 12 would be lower, 35 to 50 feet, but that buildings would obscure line of sight from Villas to Building 8B. He also clarified the additional step-back added to building design and that modifications had been in response to neighborhood.*

*In response to Commissioner Kalra, applicant clarified building 8B would be 84 to 90 feet tall, and building 8B is around 60-65 feet and would be obscured by Building 8A. The applicant clarified that primary step down area of Santana Row plan is on Lot 12, with 35 feet anticipated height with 50 feet maximum, and closer to Hatton Street, being 40 to 45 feet, with approximately 75% of site at 35 feet. In response to Commissioner Kalra, applicant confirmed sight line to 8B would be blocked from view by development on Lot 12.*

*In response to Commissioner Dhillon, applicant explained recently approved units with 2006 rezoning would likely go on Lots 9 and 11, not added to 8B. Fred Walkers from Santana Row indicated that staff want to improve relationship with neighbors including newsletter, 24-hour hotline and other meeting opportunities, and website for posting of concerns and construction updates, and that he would act as a personal ambassador. In response to Commissioner Kalra, Mr. Walkers explained that a community meeting had been held last week but only 4 persons from Villas had attended, and that outreach would continue. Commissioner Campos commented that the newsletter should not have been stopped. In response to Commissioner Kamkar, applicant stated notice of meeting was mailed a week ahead, and held at 6:30 p.m. on Thursday at Santana Row.*

*Residents of Santana Row supported project and commented vibrant community with close neighbors. Santana Row merchants commented on successful project and good management, and that mixed-use project working well, and that merchants are planning future business expansions in parallel to increase in dwelling units, commenting that businesses staying healthy is related to numbers of on site residents.*

*One concerned resident stated goal of appeal is more specifically to bury parking below ground, and reduce height on east edge to 50 feet, and another referenced that earlier*

*discussions had indicated prior FRIT commitment to 3-story townhomes in area where Bldg 8B is proposed to go. In response to Commissioner Zito commenting that meeting opportunity had been provided but no one came, the speaker commented Santana Row had already stated no changes would be made. In response, to Commissioner Kalra, speaker stated there may never have been agreement with FRIT in writing but stated there had been a map of area to only be 35-foot townhomes. He also stated that view from inside Villas development would be of long wall of Bldg 8B, but in response to Commissioner Kamkar stated they could live with extra people and traffic. Another speaker expressed concerns regarding crime levels in Santana Row with increase in population, and another indicated that increased communication was not enough without action and that overall traffic levels with Santana Row and Valley Fair is too much.*

*The appellants' representative provided information regarding court cases in California regarding possible misrepresentation of building heights in projects by developers.*

*In response to Commissioner Zito, the appellant stated that applicant had previously said they wouldn't build fully to 90 foot height, and community supported 120 feet for hotel on Winchester with understanding that although 90 feet was allowed, the building wouldn't be built at maximum level, and that entire horizon of foothills would not be obscured.*

*In response to Commissioner Kalra, who stated that a 35 foot building according to applicant would block sight line from Villas to 120 feet height on Winchester, appellant stated earlier drawings showed that 35 foot townhomes would be built on 8B site, and that future 35 foot townhomes on parcel 12 would have open space setback to eastern edge.*

*In response to Commissioner Kamkar who indicated difficulty assessing what was said years later, the appellant indicated no more formal proof than testimony provided, and that Federal representatives have not denied assertions.*

*Commissioner Campos asked that applicant respond to sight line concerns. Randy Paul indicated Villas project is fairly dense and most views from interior of project are of other units in project. He further stated that issue is not really 8B issue, but ultimately a parcel 12 issue, and that any building on site will seem massive compared to existing parking lot.*

*Linda Callon, as applicant, explained nature of series of community meetings and public hearings and stated main focus of Villas residents' interest has always been Lot 12 which has setback and height restrictions. In response to Commissioner Zito, the applicant commented earlier marketing brochure indicated podium construction like building 7 and that townhomes shown would not have been at grade. In response to Commissioner Kalra regarding sight-lines to Winchester, Linda Callon stated the sight-line was not a focus issue, but that General Plan amendment for 120 feet near Winchester required shadow diagram for environmental review which could be reason for sight-line concern.*

*Commissioner Campos gave appellant 2 additional minutes, and appellant stated that although the term sight-line might not have been used in past, it was understood building would step back to eastern edge and Villas.*

*Staff clarified that zoning was specifically designed to tier height from 35 to 50, then from 90 to 120 feet, and that permit for building conforms with zoning, and applicant reduced top floor building mass to improve interface. In response to Commissioner Zito about preservation of sight line to west and what height it would need to be, staff clarified that review of plans indicated that future 3-story development on Lot 12 will largely block views*

*of 8B, although residents will see pieces of building 8B from different aspects in the interior of Villas project.*

*Counsel explained the case law brought forward by appellant, but commented that law went to the relationship between neighbors and developer, not the City, and that the Planning Commission's actions are not bound by indicated law.*

*Commissioner Kalra stated issue is 8B will not be too obtrusive after view of it blocked by other development and will likely be good looking building, but that it is an issue of whether promises were made and broken. Staff clarified the changes that have been made by applicant to building 8B, particularly in massing of top floor of building, subsequent to community meeting, and that applicant is expressing desire to work with neighbors, and noted Counsel it's not for Commissioners to judge legal issues but stated Santana Row should take notice and work with neighbors, and role of Commission is to judge the degree to which project conforms to PD Zoning as approved by City Council.*

*Commissioner Kalra moved to uphold PD permit, seconded by Commissioner Platten. Commissioner Zito concurred with Commissioner Kalra's statements and stressed frequent ongoing communication and outreach should continue, so no more misrepresentations would occur, and that communication be bi-directional, and asked that Santana Row pay closer attention to its relationship to immediate neighbors, even as a successful project. Commissioner Campos concurred and commented that Santana Row would likely be back before Commissioner in the future so should improve relationship with neighborhood.*

*Commissioner Campos further commented to those who testified that Commissioner was listening to them, and input was heard.*

- c. The projects being considered are located at the southeast corner of Almaden Expressway and Almaden Road (18950 Almaden Road) (Carson Jon D And R Jennifer, Owner). City Council District: 10. SNI: None. CEQA: Mitigated Negative Declaration Protest.
1. PROTEST OF A NEGATIVE DECLARATION for a Planned Development Rezoning from A Agriculture Zoning District to A(PD) Planned Development Zoning District.

**UPHELD NEGATIVE DECLARATION (6-0-0)**

*See notes under item 4.c.2.*

2. [PDC05-109](#). Planned Development Rezoning from A Agriculture Zoning District to A(PD) Planned Development Zoning District to allow removal of the Feed and Fuel building for construction of up to 13 single-family detached residences on a 1.24 gross acre site.

**RECOMMENDED APPROVAL OF STAFF RECOMMENDATION (6-0-0)**

*Chair Campos stated ND protest and Planned Development Zoning would be heard concurrently, with speakers once on both items. Staff provided a brief report in response to issues included in ND protest, including criteria for finding historic significance, or eligibility for the California Register, and scoring level of Feed and Fuel building which does not indicate removal of the building would constitute a significant impact under CEQA.*



*Protestants indicated desire to keep history of Almaden intact, and would like to hold off development until General Plan is fully developed for area. Another speaker noted this is oldest building left in Almaden and area had been included in earlier landmark case, and that removal of old building should require an EIR.*

*The applicant stated that structure was not a stage coach stop and that recent construction is 1970's stucco, formica and aluminum windows. He noted he felt first report adequate, but second historic report was done with 6 months of delay, and that protest should be denied.*

*In response to Commissioner Kalra that the neighbors just want building saved, but not necessarily as bar, but some other use, applicant stated most people likely want bar reopened. Commissioner Kalra asked about other uses. The applicant stated he would be cooperative facilitating relocation of building. Commissioner Platten asked if applicant agreed with staff recommendation to rehabilitate building and retain gas station canopy, but use building as residence or other community building. Applicant indicated it wouldn't match rest of development, and that he was opposed to staff recommendation.*

*Many speakers indicated bar not appropriate in Almaden Valley and project appropriate instead, but stated for Commissioner Kamkar that it is not appropriate to retain gas station structure. Several speakers commented that patrons of bars drive motorcycles and create a bad interface with adjacent residential area, and that City needs housing and not to retain old drinking establishment. In response to Commissioner Kalra noting retention of structure recommended by staff and whether prohibition of use as bar would allay concerns, several speakers commented not appropriate architecture for residential unit.*

*Several speakers indicated findings by staff were inadequate for project particularly the higher density housing in a rural area, and that since City Council will be looking at General Plan and neighborhoods in Almaden, development on site will be premature. Others stated site was visited by families and sports teams and was not just a bar, and that building could be used as a community center, offices, etc., with open space around it, but recommendation of Historic Landmarks Commission to retain building for reuse should be upheld. Other speakers noted site as gateway to New Almaden and stated should not be high density housing with site's open space hidden by housing. Commissioner Kamkar asked opinions on putting new housing development behind sound walls and keeping historic building in front of wall and one speaker concurred that arrangement would address some concerns.*

*A construction worker working with developer stated structure is all newer than 1930, most elements dated 1960 to 1970 additions, and that developer has offered building to anyone for relocation.*

*A speaker from the County Heritage and Parks Commission indicated this is important gateway site and that structure should be retained until future planning in General Plan update happens. A few other speakers commented that lots of history is embodied in building and that pride in history and prior restaurant use kept building in good shape, and since it was sold, it's been allowed to deteriorate so that it could be torn down and site redeveloped. Another speaker noted that for 4 to 5 years business at restaurant/bar declined and was not a going concern.*

*The applicant commented that immediately adjacent neighbors did not object to number of units in project, and that due to A-Agriculture Zoning, no improvements had occurred to building since came into City in 1970. He commented General Plan is 12-25 units/ac with project at 13 du/ac, and no one would want to live in gas station converted to house.*

*Commissioner Platten asked what part is 1930's construction, and applicant indicated framing viewed from basement or attic, but all viewable surfaces are more like 1970's. Applicant also commented staff wanted more density than proposed. In response to Commissioner Platten regarding 1930 portion, the applicant stated not likely to be moved and stated no one would want it. In response to Commissioner Kamkar regarding proposal to keep building on small triangular part of site in front of sound wall, applicant clarified Landmarks Commission made recommendation based on information that building was older than second report confirmed, and that building doesn't qualify to be saved and expressed that if building couldn't be gathering place, why preserve it. Commissioner Kamkar stated some compromise could be necessary but that preserved building would not fit in an Italian villa design.*

*In response to Commissioner Kalra about incorporating building into development, applicant asked whether that would be portico or rear restaurant portion that Landmarks Commissioner felt was historic, and the City's Historic Preservation Officer responded the 1930's Gas Station portion. The applicant asked for clarification on staff's requirement for retention of portico. Staff commented other options could possibly allow approval of lower density project or inclusion of other triangular piece into project. Deputy Director Hamilton stated staff recommendation on an exemplary project might not require retention of the old structure.*

*The appellant stated there would be other uses for historic building and bar shouldn't be reopened, and that EIR should be done because site is noteworthy as gateway to Almaden, and stated other examples of reuse in City.*

*In response to Commissioner Zito stating that building isn't 100 years old, appellant stated that developer not being objective, and that more evidence could show more history in the future, and indicated an additional report could be done. Commissioner Zito asked what evidence appellant had that parts of building are from 1904. Commissioner Kamkar stated it's important to respond to Landmark's Commission and suggested could be appropriate to move structure closer to front of site, and appellant responded that historic buildings should not be moved, and expressed that developer did not do due diligence.*

*Staff responded that both historic reports came to conclusion that structure qualified as a Structure of Merit, and that it cannot be conclusively proven that Quicksilver Mine owned the parcel during the period of significance for the mine, and further, that building does not meet City's criteria for Historic Landmark designation, that Baker House is historic about a mile away, that development would have soundwall only on Almaden Expressway side, and report dates for structure circa early to mid 20<sup>th</sup> century.*

*In response to Commissioner Zito to clarify proposed condition on retention of portion of building, staff clarified 1930 portion of building and partico structure only as indicated on the site plan, not more recent additions, and size would equal approximately 2 of the proposed units, and further explained effect of retention of structure on provision of open space. Staff noted shown open space could be relocated, and in addition, although one*

*unit could be shown to be affected by retention of portico, units could be moved around to perhaps keep number of units.*

*Commissioner Platten moved on item 4.c.1, that the Commission uphold Negative Declaration because CEQA rules don't consider removal of historic building to be significant CEQA impact, and staff clarified for Commissioner Zito that soil with chemicals would be removed. Negative Declaration was upheld with a vote of 6-0-0.*

*Commissioner Platten moved approval of Planned Development zoning as recommended by staff with retention of 1930's portion of structure of merit. Commissioner Zito concurred with neighborhood that this is history of San Jose and is happy to support staff's motion to rehabilitate portion. Commissioner Kamkar asked if Commissioner Platten would consider option to include moving of structure as long as portion recommended for rehabilitation was included. Staff clarified that relocation would not constitute significant impact and therefore, if moved, the project could conform to General Plan. The Deputy Director indicated there would still need to be changes to project to improve architecture and open space for future residents.*

*In response to Commissioner Platten, staff clarified that preservation of historic building does not justify bad design. Commissioner Platten did not accept amendment, and stated developer already had opportunity to move building if it preserved 1930's portion and staff could find it in conformance. In response to Commissioner Kalra, Historic Preservation officer stated reuse could be virtually any use and not restricted to bar or residential.*

*Commissioner Kalra stated he wanted to see structure preserved, and be a highlight in project and not crowded in rest of project. Commissioner Dhillon stated he appreciated efforts to save structure and people coming out, and Commission supporting staff recommendation. Commissioner Campos stated that conceptual design of project is mediocre at best, and at permit stage, improvement to design should occur and should give deference to retained building, but clarified Planned Development permit would not be before Commission unless appealed.*

- d. [CP06-038/ABC06-015](#). Conditional Use Permit and associated Determination of Public Convenience or Necessity to allow off-sale of alcoholic beverages at an existing grocery store on a 2.22 gross acre site in the CP Pedestrian Commercial Zoning District located on the east side of South White Road approximately 250' south of Quimby Road (2812 S WHITE RD, Manila Market) (Tj Kwan Family Associates Lp, Owner). Council District 8. SNI: None. CEQA: Exempt.

**DENIED AS MANDATED BY CODE (6-0-0)**

*Staff commented that project needs both CUP and finding of Public Convenience and Necessity (PCN), but that staff is unable to make 2 of the mandatory findings and must recommend that the Commission must deny.*

*Applicant explained that Manila Oriental Market had improved security and landscaping and lighting in parking lot, and is working with Redevelopment Agency for a façade and paint treatment for shopping center. He stated that of a 23,000 square foot grocery store, less than 1.5 percent of store will be used for off sale of alcohol.*

*Commissioner Kalra stated that Commission can't approve proposal but could relay comments to Council, and applicant stated desire to sell all types of alcohol, not just beer and wine, because they are targeting high end market. Commissioner Campos asked how alcohol would be sold and applicant stated hard liquor would be behind a counter and only beer and wine would be on shelves. Applicant also confirmed that hours of operation are 8 am to 8 pm.*

*The applicant stressed the recent efforts with the Redevelopment Agency to upgrade site, and indicated petition presented had been signed by 800 store patrons. Commissioner Kamkar asked how late other store is open, and applicant stated 11 pm to 12 midnight, and also commented that only Ernie's Liquor Store in opposition to project. Also in response to Commissioner Kamkar, applicant noted progress to address Code Enforcement issues in past year, and stated almost 90% of issues are taken care of.*

*Commissioner Zito moved to regretfully deny CUP, and stated he's resident of area and that Manila Market has made tremendous improvements and is responsible store and should be allowed to sell alcohol, and urged applicant to appeal to Council. Commissioner Kalra concurred but recommended no exterior liquor signs on building.*

## **5. PETITIONS AND COMMUNICATIONS**

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
  1. Responding to statements made or questions posed by members of the public; or
  2. Requesting staff to report back on a matter at a subsequent meeting; or
  3. Directing staff to place the item on a future agenda.
- b. Draft Environmental Impact Report (EIR) for San Jose Flea Market for a General Plan Amendment and Planned Development Rezoning (File No. GP/GPT06-04-01/PDC03-108) to change the land use designation of the site from Combined Industrial/Commercial on 24.3 acres to Transit Corridor Residential (20+ DU/AC) with a Flexible Land use Boundary; to increase building height limit from 120 feet to 150 feet on a portion of the site south of Berryessa Road; and add a Major Collector roadway through the project site between Mabury and Berryessa Roads. The Project includes a Planned Development Rezoning to allow up to 2,818 residential dwelling units and 365,622 square feet of commercial/industrial/office uses on a 120.3-acre site. Council District: 4.
- c. Draft Environmental Impact Report (EIR) for the Valley Fair Shopping Center Expansion General Plan Text Amendment to increase the allowed building height on the site from 50 to 65 feet and Site Development Permit (File No. GP06-T-04/H06-027) to allow an approximately 650,000 gross square foot expansion of the existing Westfield Valley Fair Shopping Center to accommodate up to two new anchor stores and additional retail space. The project also includes the demolition and reconstruction of two existing parking structures and the relocation of three outbuildings. Council District: 6.

6. **REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES**

7. **GOOD AND WELFARE**

a. Report from City Council

*Director reported:*

- *Council upheld Wireless Appeal on Lanai Drive requiring flush mounting of antennas, but leaving height of pole intact*
- *Council has set schedule for Council study session on GP update to be on Monday, February 5<sup>th</sup>, 2 to 4 p.m., and March 29 for Employment lands*

b. Commissioners' reports from Committees:

- Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos).

*Next month for airport committee to meet*

- Coyote Valley Specific Plan (Platten)

*Had a meeting and will meet again on February 12, and Coyote EIR to be released March 1, 2007*

- Parks Funding Subcommittee (Zito)

*Subcommittee met and discussed some neighborhood priorities discussed at Saturday workshop, including concern for full funding of park and public pool maintenance*

c. Review of synopsis

*Approved synopsis with minor corrections on pages 5 and 6*

d. Consider adding study session dates

*Cancelled 2/12/07 study session, added study session to May 30, 2007, to slide order of topics out one month*

8. **ADJOURNMENT**

## 2007 PLANNING COMMISSION MEETING SCHEDULE

| Date             | Time      | Type of Meeting   | Location         |
|------------------|-----------|---|------------------|
| January 17       | 6:30 p.m. | Regular Meeting   | Council Chambers |
| January 31       | 6:30 p.m. | Regular Meeting   | Council Chambers |
| Mon. February 12 | 5:00 p.m. | <i>Study Session</i><br><i>Meeting Procedures and Commission Role</i> | T-550            |
| Mon. February 12 | 6:30 p.m. | Regular Meeting   | Council Chambers |
| February 28      | 6:30 p.m. | Regular Meeting   | Council Chambers |
| March 14         | 6:30 p.m. | Regular Meeting   | Council Chambers |
| March 28         | 5:00 p.m. | <i>Study Session</i><br><i>Level of Service Policy</i>                | T-332            |
| March 28         | 6:30 p.m. | Regular Meeting   | Council Chambers |
| April 11         | 6:30 p.m. | Regular Meeting   | Council Chambers |
| April 25         | 5:00 p.m. | <i>Study Session</i><br><i>Economic Development/Retail Strategy</i>   | T-332            |
| April 25         | 6:30 p.m. | Regular Meeting   | Council Chambers |
| May 2            | 5:00 p.m. | <i>Study Session</i><br><i>Review Capital Improvement Program</i>     | T-1654           |
| May 2            | 6:30 p.m. | Regular Meeting   | Council Chambers |
| May 16           | 6:30 p.m. | Regular Meeting   | Council Chambers |
| May 30           | 6:30 p.m. | Regular Meeting   | Council Chambers |
| June 13          | 6:30 p.m. | Regular Meeting   | Council Chambers |
| June 27          | 6:30 p.m. | Regular Meeting   | Council Chambers |
| July 18          | 6:30 p.m. | Regular Meeting   | Council Chambers |
| August 8         | 6:30 p.m. | Regular Meeting   | Council Chambers |
| August 22        | 6:30 p.m. | Regular Meeting   | Council Chambers |
| September 12     | 6:30 p.m. | Regular Meeting   | Council Chambers |
| September 26     | 6:30 p.m. | Regular Meeting   | Council Chambers |
| October 10       | 6:30 p.m. | Regular Meeting   | Council Chambers |
| October 24       | 6:30 p.m. | Regular Meeting   | Council Chambers |
| November 7       | 6:30 p.m. | Regular Meeting   | Council Chambers |
| November 14      | 6:30 p.m. | Regular Meeting   | Council Chambers |
| November 28      | 6:30 p.m. | Regular Meeting   | Council Chambers |
| December 5       | 6:30 p.m. | Regular Meeting   | Council Chambers |